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# STATUTE LAWS

RELATING TO THE

## BUREAU OF PUBLIC INSTRUCTION, H. I.

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### AN ACT

TO REPEAL CHAPTER 10 OF THE CIVIL CODE, AND TO REGULATE  
THE BUREAU OF PUBLIC INSTRUCTION.

*Be it enacted by the King and the Legislative Assembly of the  
Hawaiian Islands, in the Legislature of the Kingdom assembled:*

SECTION 1. That Chapter 10, containing sections 693 to 767, both inclusive, of the Civil Code be, and the same is hereby repealed.

SECTION 2. There shall be an Executive Bureau, to be styled the Bureau of Public Instruction; which shall be superintended and directed by a Committee of the Privy Council, to consist of five members, and to be called the Board of Education. The members of the said Board shall be chosen by the King; and one of their number shall, by him, be appointed President, and all shall serve without pay; but no person in holy orders or a Minister of religion shall be appointed to fill the office of President. In the absence of the President a member of the Board, acting as Vice-President pro tem., shall preside over its meetings.

SECTION 3. The said Board shall have entire charge and control of the Bureau of Public Instruction; shall superintend the execution of all laws relating thereto; shall have the power to make its own by-laws, not in contravention of the laws of this Kingdom; shall keep regular records of its proceedings, and make a report, through its President, of the business and transactions of the Bureau to the Legislature at each of its regular sessions.

SECTION 4. The said Board may, from time to time, adopt rules for the internal regulation and management of the Common Schools, and of all schools supported by Government, not inconsistent with any law of this Kingdom ; which rules, when made known, shall be obligatory upon teachers and scholars alike, and in all matters the Board shall have full administrative power in everything connected with education conducted at the expense of the public.

SECTION 5. For the purposes of this Act, the said Board shall possess the powers and privileges of a corporation.

SECTION 6. The President of the said Board shall keep an office at the seat of Government, and shall sign all official documents of the Board in order to their validity, and he shall be authorized to employ a clerk to assist him in the discharge of his duties, whose salary shall be such as the Legislature may, from time to time, determine.

SECTION 7. The seal of the Bureau of Public Instruction shall be such as may be approved by the Board of Education. and copies of all documents belonging to the said Board, certified by the President and impressed with such seal, shall be as valid evidence in any court of law as the original.

#### OF THE COMMON SCHOOLS.

SECTION 8. The object of the Common Schools, supported by Government, is to instruct the children of the nation in good morals, and in the rudiments of reading, writing, geography, arithmetic, and of other kindred elementary branches.

SECTION 9. For the purposes of education, the Kingdom is divided into school districts, the boundaries of which are the same as those of the taxation districts ; that is to say, the Island of Hawaii shall be divided into eight uniform school districts, as follows : 1, Hilo ; 2, Puna ; 3, Kau ; 4, South Kona ; 5, North Kona ; 6, South Kohala ; 7, North Kohala ; 8, Hamakua. The Island of Maui shall be divided as follows : 1, from Kahakuloa to Ukumehame, including Kahoolawe ; 2, from Waihee to Honuaula, inclusive ; 3, Kahikinui, Kaupo, Kipahulu, Hana and Koolau ; 4. Hamakualoa, Hamakuapoko, Haliimaile,

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Makawao and Kula ; 5, Molokai ; 6, Lanai. The Island of Oahu shall be divided as follows : 1, from Maunalua to Moanalua, inclusive ; 2, Ewa and Waianae ; 3, Waialua ; 4, Koolaupoko ; 5, Koolaupoko. The Island of Kauai shall be divided as follows : 1, from Nualolo to Hanapepe, inclusive ; 2, from Wahiawa to Mahaulepu, inclusive ; 3, from Kipu to Kamalomalo, inclusive ; 4, from Anahola to Kilauea, inclusive ; 5, from Kalihiwai to Honopu, inclusive ; 6, Niihau.

SECTION 10. The above districts may be sub-divided by the Board of Education, or their boundaries fixed by geographical lines, for greater convenience and efficiency in conducting the Public Schools ; and the Board of Education shall be empowered to determine what daily average attendance of scholars, throughout the year, shall be held sufficient for the continuance of Government Common Schools in general, and also to decide upon a larger or smaller average daily attendance throughout the year, as the rule to guide in the case of any individual school.

#### OF THE INSPECTOR GENERAL.

SECTION 11. The Board of Education shall appoint, from among their own number, or otherwise, an Inspector General of Schools, to hold office during the pleasure of the said Board, and who shall receive such salary as the Legislature shall, from time to time, determine ; *provided, always*, that no person in holy orders or Minister of Religion shall be eligible to fill the office of Inspector General.

SECTION 12. It shall be the special duty of the Inspector General of Schools to make frequent tours of the respective islands and districts ; to examine into the condition of the Schools supported or aided by the Government ; to inform school officers and teachers of their several duties under the law ; and to foster, generally, an interest in the cause of education.

SECTION 13. The Inspector General of Schools shall be invested by the Board of Education with discretionary powers, such as the opening and closing of schools, the appointment and

dismissal of school teachers ; the arranging and re-arranging of the studies to be pursued, and the prominence to be given to any particular branch of learning ; he shall also have full authority to examine the books, vouchers and accounts of the school agent and local Board of Trustees ; to order repairs of Government school-houses and premises ; to hold competitive examinations among those desirous of serving as school teachers, and to give certificates of approval to those found competent ; and in these, and in all other matters intrusted to him by the Board of Education, he shall act temporarily with the same authority as though the Board itself were acting in the matter ; and of all such doings, in the name of the Board, he shall render in person or in writing a distinct statement to the Board, which, in its judgment, may approve or disapprove of all or any of his acts thus temporarily performed in its name.

#### OF SCHOOL AGENTS.

SECTION 14. The Board of Education shall appoint in each of the school districts, an officer to be called the School Agent, to whom, under the Board and the Inspector General of Schools, shall be principally entrusted the execution of all the acts, orders, instructions and regulations of the Board of Education and of the Inspector General of Schools, pending the approval of the Board ; and the said agents shall be continued in office during the pleasure of the Board of Education.

SECTION 15. The pay of the school agents shall be such as the Board of Education shall, from time to time, determine ; it being understood that the pay of the several school agents may vary, in view of the value or amount of services performed.

SECTION 16. The school agents shall be *ex-officio* treasurers of the School Fund in their respective districts, and shall safely keep, and properly apply said fund, in such manner as they shall be directed by the Board of Education or the Inspector General ; and, for the faithful performance of their duty, they shall give bonds, for such an amount and with such security, as the Board of Education shall approve and require.

SECTION 17. The several school agents shall, under the Board

of Education, be the trustees of all the school property in their respective districts, and shall severally have the power to sue and be sued in any Court of the Kingdom. The school houses in the respective districts shall be especially under the care of the school agents, and they shall, as far as possible, preserve the same from injury and decay ; and, when occasion requires, call the attention of the Inspector General, or directly of the Board of Education, to such steps as seem necessary to that object.

#### OF DISTRICT SCHOOL BOARDS.

SECTION 18. In each of the school districts, as hereinbefore prescribed, there shall be a School Board, to consist *ex-officio* of the School Agent, the District Justice, and one other member, chosen by the parents and guardians of the scholars attending the Common District Schools.

Act of 1870,  
p. 16.

SECTION 18A. The School Agent of each District shall cause to be returned to him, on or before the first Monday of March in each year, by each teacher of the Common District Schools, a correct list of the names of the parents and guardians of the children attending the Schools, and he shall hold an election by ballot, of which at least ten days previous notice shall have been given ; on the last Monday of March in each year, between the hours of ten and two, for the third member of the District School Board ; and the electors of said member shall be only such parents and guardians, whose names may be found in the list prepared by the teachers of the Common District Schools, as hereinbefore provided.

Section 18A,  
Act of 1870,  
p. 16.

SECTION 18B. Each of the members of the School Board shall, at any time be authorized to call a meeting of the Board to which he belongs, for the purpose of discussing the material and other interests of the Educational system in their districts, and it shall be incumbent on the School Agents whenever required to do so, to show to both or either of his colleagues, his book of accounts and all documents explanatory of his official doings. At all times, when the other members of the School Board shall conjointly require it, the School Agent shall prove

Section 18B,  
Act of 1870,  
p. 17.

to them, that the funds in his keeping coincide in amount, with the showing of his account books. It shall be the duty of the School Board, at all times, to reasonably assist the School Agent in the execution of his duty, and in order to do so, they shall afford him any information of which they are officially possessed, of such a nature as to be of service to him, and they shall lend him help in the execution of his office, especially when illness or a temporary absence shall render such aid necessary.

#### OF THE SCHOOL REVENUE.

SECTION 19. The revenue for the support of Government schools shall be derived from direct appropriations by the Legislature, from the interest accruing on the school fund, the rent of school lands, and from the School Tax, as provided in Section 486 of the Civil Code ; and it shall be the duty of the Board of Education to present, through its President, to the Legislature at each regular session, an account of the receipts and disbursements of the school revenue for the two fiscal years, ending on the 31st day of the month of March of every alternate year.

#### OF ATTENDANCE.

SECTION 20. It shall be incumbent on all parents, guardians and adopters of children, to send such children, from their sixth to their fifteenth years, to some lawful school, public or private, to be instructed in good morals and elementary learning.

SECTION 21. If any child shall persist in absenting himself from school, any Police or District Justice shall, upon proper complaint being made by the school teacher, the school agent, or the Inspector General, cause the father or mother, or guardian or adoptive parent of the child, together with the child, to be arrested ; and, upon its being proved that the person responsible for the child, as a minor, has not used proper diligence to enforce the child's regular attendance at school, the said responsible party shall be fined by the said Police or District Justice in a sum not exceeding five dollars ; and, in default thereof, be subjected to imprisonment at hard labor for a term not to exceed fourteen days ; and, in case the child shall prove

the offending party, the Police or District Justice shall send him to a Reformatory and Industrial School, for a term not less than six months, nor more than two years, or otherwise sentence him to a fine not exceeding two dollars, or imprisonment at hard labor for a term not exceeding ten days.

Act of 1866,  
p. 7.

SECTION 21A. The teachers of all Government Schools for the education of native Hawaiian children, shall keep a correct register of the names, sex, age (as far as ascertainable), and the places of residence of the children attending their respective schools; and no teacher of any school, for the education of native Hawaiian children, shall grant a release from his or her school to any child under fifteen years of age, who may be registered as attending the same, for the purpose of entering another school, unless the consent and approval of the parent or guardian of such child, so requesting to be released, shall be made in writing, by such parent or guardian, or on application made by the School Agent of the District, for good reason shown to his satisfaction. In every such case a certificate in writing shall be granted, setting forth the facts, and signed by the teacher.

Section 21A,  
Act of 1868,  
p. 53.

SECTION 21B. No teacher shall receive into his or her school any child, under fifteen years of age, who may have attended another school, unless such child, his or her parent or guardian, produces to the teacher of the school so sought to be entered, a certificate of release, signed by the teacher of the school last attended, as hereinbefore provided. And the teacher of any school who shall violate any of the requirements of this and the foregoing section, shall on conviction before a Police or District Justice, be subject to a fine of five dollars for the first offense, and for a second offense, be liable to a fine of ten dollars, and removal from office, at the discretion of the court.

Section 21B,  
Act of 1868,  
p. 53.

#### OF TEACHERS OF COMMON SCHOOLS.

SECTION 22. The teachers of common schools shall be certified by the Inspector General; no person shall teach in them who has not received a certificate, and no person shall receive a certificate without having exhibited satisfactory evidence of good moral character and qualification to teach; and every



certificate so granted, may be cancelled, upon grounds which shall appear sufficient to the Inspector General of Schools, or by the Board of Education; *provided, always*, that any teacher, whose certificate has been cancelled by the Inspector General, may lay his case before the Board, in the shape of an appeal from the decision of the Inspector General.

Section 23,  
Act of 1870,  
p. 17.

SECTION 23. The teachers of the Common Schools shall be appointed by the School Boards of the respective districts, and may be removed by the same, subject to appeal from their decision, to the Board of Education.

Section 23A,  
Act of 1870,  
p. 17.

SECTION 23A. Whenever the parents of the children attending any Government Common School, shall deem themselves aggrieved on account of the conduct of the teacher, or should they desire to call any individual to act as teacher, they shall have the right to present their petition in writing, to the district School Board, who shall then appoint a time for the hearing of the case; and if, in their opinion, the cause of the petitioners shall have been proved, by good and sufficient testimony, they shall grant the petition.

SECTION 24. Each teacher shall have power to administer necessary and reasonable punishment upon the pupils of his school, and shall not in any way be punishable for so doing.

SECTION 25. The pay of the teachers of the Common Schools shall be such as the Board of Education shall determine generally, or to suit particular cases.

#### OF BOOKS AND STATIONERY.

SECTION 26. The Board of Education shall, from time to time, furnish to the respective school agents such books and stationery as in the opinion of the said Board may be needed for the use of the common schools, and shall make such arrangements and provisions as shall, to the Board, seem best adapted to secure payment for those furnished to the pupils.

Section 26A,  
Act of 1868,  
p. 29.

SECTION 26A. The scholars in the Government Schools shall be supplied by their parents or guardians with the books and stationery requisite for their use.

SECTION 26B. In case any scholar shall not be furnished by his parents or guardians with such books and stationery, he shall be supplied therewith by the School Agent of the district, who shall be authorized to pay for the same out of the school funds of the district.

Section 26B,  
Act of 1868,  
p. 29.

SECTION 26C. The School Agent shall inform the Tax Collector of the district of the names of the scholars supplied with books and stationery, as provided in the last preceding section, and the amount expended for each, together with the name of the parent or guardian who should have supplied the same, and the Collector shall add such amount to the school-tax of such parent or guardian, for the next year, and collect the same, unless such School Agent shall be of opinion that said parent or guardian is unable to pay the amount thus expended for books and stationery so supplied, in which case he may remit the whole, or a part thereof, as may be just.

Section 26C,  
Act of 1868,  
p. 29.

#### OF INSTITUTIONS ENDOWED BY GOVERNMENT, AND SELECT SCHOOLS.

SECTION 27. Every literary institution, seminary of learning or select school, supported by Government, shall be under the superintendence, control and direction of the Board of Education; *provided, always,* that where such institution, seminary or select school is endowed or supported in part only by the Government, the Board of Education shall not, unless expressly authorized by law, have the absolute control and direction of the same, but only a general oversight, with the right to visit and to inquire into its general condition and operation, and to see that the objects of the public endowment or support are faithfully executed.

SECTION 28. Whenever the Board of Education shall be satisfied that the charter of any literary institution has been violated, it shall be the duty of the President of said Board to report such violation to the Attorney General, and said Attorney General shall take immediate steps to have such charter annulled.

SECTION 29. Nothing in this Act contained shall be construed to forbid the free establishment of select and independent

schools, to be supported without assistance from the Government, provided they be not of an immoral tendency. The teachers of such schools shall annually report to the Board of Education the number of their scholars, by what means supported, and the general character and condition of their respective schools.

#### OF ENGLISH SCHOOLS FOR HAWAIIAN BOYS AND GIRLS.

SECTION 30. It shall be lawful for the Board of Education to contribute, out of the funds at its disposal, towards the establishment of one or more boarding schools for the instruction of Hawaiian boys in the English language, and other branches of education.

The Board shall determine upon the course of education to be followed; shall appoint, pay and remove, when it deems proper to do so, the masters and teachers, and shall determine in what cases the boys shall be admitted free of charge, and in what cases the parents or guardians of the children shall contribute toward their support, and to what extent. The Board shall furthermore have full power to arrange all the details necessary for the encouragement of good morals, sound bodily health, and useful education in the school or schools established in conformity with this section.

SECTION 31. The Board of Education shall also contribute, to the greatest extent that the means at its disposal will allow, towards the support of family schools for Hawaiian girls, whether established by the Board or by private individuals, and in fostering such schools it shall enjoy the fullest discretionary power.

#### OF SCHOOL LANDS, SCHOOL HOUSES AND CHURCH SITES.

SECTION 32. The Board of Education is hereby authorized to dispose by sale, lease, or otherwise, of any of the lands which have been, or hereafter may be, set apart for the general purposes of education.

SECTION 33. All moneys and other avails of Government lands set apart for the general purposes of education, shall be kept as a separate fund, and the interest only of such fund shall



be appropriated, as the Board of Education shall, from time to time, decide, for the purposes of education.

SECTION 34. All avails of land sold, leased, or otherwise disposed of, as hereinbefore provided, shall be accounted for by the Board of Education in its report to the Legislature.

SECTION 35. All sites for school houses and houses for public worship, not owned by private parties, societies or corporations, and all lands connected therewith, which have been granted by or to the Government, for the purpose of promoting the interests of education or religion, shall be reserved as Government property, so long as they are devoted to the purpose for which they were granted, and shall be under the charge and control of the Board of Education; and in case they shall cease to be used for the purposes for which they were granted, for not less than one year, they shall revert to the original grantors or their representatives. In all cases where lands are sold, or otherwise disposed of, the sites for school houses and houses for public worship, shall not be included in such sale or disposition.

SECTION 36. In all cases where the sites and school lands, mentioned in the last preceding section, constitute a part of the lands held in common by the Government and individuals, such sites and school lands shall be regarded as making a part of the Government portion of the land held in common, and shall be so regarded in every sale or disposition of the lands in which they are located.

SECTION 37. Where a site for a school house is needed, and the same cannot be as well located on Government land as upon that of a private individual, the school agent of the district is authorized to take a suitable lot, not exceeding one-half acre, as a site for such school house, first paying to the owner the value thereof; such value, in case of disagreement, shall be determined by a jury of three men, to be chosen, one by the school agent, one by the owner of the land, and the third by the two already chosen by the school agent and owner; the said jury shall have the power to locate the lot desired for the

school house, in a place different from that chosen by the school agent, should they deem it more reasonable and proper ; *provided, however*, that it shall not be lawful to appropriate for such purpose any private burying ground or house lot, against the will of the owner thereof.

SECTION 38. The Board of Education shall have all the school lands, and sites for schools and churches mentioned in this Act, so far as practicable, properly surveyed and registered in a book, to be deposited in their office, for the use of the King's Government, and open to the inspection of private individuals desiring to examine the same. The expense of such surveys shall be defrayed out of the interest arising from the avails of the school lands.

#### GENERAL PROVISIONS OF THE PARENTAL AND FILIAL DUTIES.

SECTION 39. It shall be the duty of all children, within the years of legal majority, to obey all the lawful and moral commands of their parents, respecting, first, as most obligatory, those of the father, and next, those of the mother ; and, if adopted, as by law allowed, the lawful and moral commands of the parents by adoption ; and, in default of natural or adopted parents, the lawful and moral commands of the guardians appointed according to law ; and in case of continued, willful and obstinate disobedience on the part of a child, it shall be lawful for any Police or District Justice, upon complaint being made by any parent or guardian, to cause the said child to be arrested and brought before him ; and should it appear to the said Justice that such child is guilty of continued, willful and obstinate disobedience, he shall sentence the said child to imprisonment at hard labor, for a term not exceeding ten days ; *provided, however*, that no child under ten years of age shall be amenable to the provisions of this section.

SECTION 40. Parents, that is to say, first the father and then the mother, or, in case they be both dead, guardians, legally appointed, shall have control over the actions, the conduct and the education of their children within the years of legal majority ; they shall have the right, at all times, to recover possession of their children by *habeas corpus*, and to chastise them

moderately for their good ; and it shall be the duty of all parents and guardians to set a good example before their children ; to provide, to the best of their ability, for their support and education ; to see that they are instructed in a knowledge of the Christian religion ; to use their best endeavors to keep them from idleness and vice of all kinds ; and to inculcate upon them habits of industry, economy and loyalty ; and it shall be lawful for any Judge of the Supreme Court, or of any Circuit Court of this Kingdom, on a complaint being laid before him against any parent, that he or she is encouraging their children in ignorance and vice, to summon such parents before him ; and, upon its being proved to his satisfaction, to bind out such child, within the years of legal majority, to some person of good moral character, to be well supported, trained to good habits, and taught at least the rudiments of knowledge.

#### OF THE CENSUS.

SECTION 41. It shall be the duty of the Board of Education, every sixth year, counting from the year 1860, to make a complete census of the inhabitants of the Kingdom, to be laid before the King and Legislature for their consideration ; every census shall comprise, in distinct columns, the number of inhabitants in each district, the number of each sex, and such other particulars as the Board of Education may direct, and shall show the increase or decrease of the population.

SECTION 42. To enable the Board of Education to carry into execution the design of the last preceding section, it is hereby authorized to make all proper and necessary inquiries ; and all persons are required, under pain of a fine, not to exceed five dollars, to be imposed by any District or Police Justice, to answer, to the best of their knowledge, all such questions propounded by the agents of the Board, relating to, or necessary for, the making of a complete census.

SECTION 43. The necessary expenses of making any census shall be paid by the Minister of Finance, upon the order of the Board of Education, out of any moneys appropriated by the Legislature for that object.

## OF THE REGISTRY OF BIRTHS, DEATHS AND MARRIAGES.

SECTION 44. The school agent of each district shall exercise the office of registrar of births, deaths and marriages in his district, he being provided by the Board of Education with suitable books and blanks for that purpose ; and he shall, at the expiration of each six months, make a report of the births, deaths and marriages in his district to the Board of Education.

SECTION 45. The school agent shall be assisted in his duties as Registrar by the other members of the District School Board, as hereinbefore organized, and shall have the power to appoint suitable persons to act as his sub-agents in keeping a faithful registry of births, deaths and marriages in his district ; and the names of all sub-agents so appointed, proper and sufficient publication shall be made throughout the district.

SECTION 46. It shall be the duty of every person, authorized according to law to perform the marriage ceremony, to report to the school agent of the district the names of all persons married by him ; and it shall be incumbent upon the father, if living, of any child born in this Kingdom, and if not living, or if the child be illegitimate, upon the mother, within one month after the birth of such child, to notify some registrar of births and deaths in the district, of the name and sex and date of the birth of said child. It shall also be incumbent on any Minister of the Gospel, officiating at burials, any undertaker, or the nearest relative of legal age, of any deceased person, to notify some registrar of births and deaths, in his district, of the name and sex of the deceased, within one week after such decease. Any neglect to make such notification shall subject the delinquent, on conviction before any Police or District Justice, to a fine of one dollar, to go for the benefit of the registrar.

SECTION 47. It shall be the duty of the Minister of the Interior, upon the nomination of the Board of Education, to appoint a suitable number of agents in the several districts of the Kingdom, whose duty it shall be to grant marriage licenses, agreeably with the laws ; which agents shall be entitled to the fee of twenty-five cents for each license, to be paid by the party

applying therefor. Any such agent who shall charge more than that amount for any such license, or who shall receive a bribe for the same, shall be liable to a fine not exceeding fifty dollars, upon conviction before any Police or District Justice.

SECTION 48. It shall be the duty of the Board of Education to furnish the agents aforesaid with the necessary blanks for marriage licenses ; and it shall be the duty of said agents at the close of each year, to transmit a copy of all the licenses granted by them during the year to the said Board, who shall preserve a record of the same ; and the agents shall retain a copy of each license in their own possession.

SECTION 49. To enable the Board of Education to carry out the several objects contemplated in this Act, it shall be invested with full power to apportion and disburse the various moneys and avails devoted to the promotion of public education ; that is to say, (1) the interest accruing on the school fund, (2) the rents of school lands, (3) the proceeds of the school tax as provided in Section 486 of the Civil Code, and (4) all appropriations that the Legislature may, from time to time, make for all or any of the purposes hereinbefore set forth. It shall also be intrusted with the management, control and disbursement of any properties or moneys that may be specially given or bequeathed by private individuals for the furtherance of all or any of the objects in this Act contemplated.

SECTION 50. This law shall take effect at the expiration of two months from the date of its passage.

Approved this 10th day of January, A. D. 1865.

KAMEHAMEHA R.

The foregoing Act, as above printed, embodies all amendments made to the same since its enactment, to the Session of the Legislature of A. D. 1870.



## AN ACT

TO PROHIBIT KEEPERS OF COFFEE, VICTUALING, LIQUOR AND BILLIARD SALOONS, AND BOWLING ALLEYS, FROM ALLOWING SCHOOL CHILDREN TO FREQUENT THEIR PREMISES, BETWEEN THE HOURS OF SUNSET AND SUNRISE.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom Assembled:*

SECTION 1. All keepers of Coffee, Victualing, Liquor and Billiard Saloons, and Bowling Alleys, and also Sugar Mills, are hereby strictly forbidden to allow any school children, boys or girls, to remain upon their premises any time between the hours of sunset and sunrise, unless the same be accompanied by their parents or guardians. Any Keeper of a Coffee, Victualing, Liquor or Billiard Saloon or Bowling Alley, upon whose premises any school child, boy or girl, may be found between the hours above named, unless the same be accompanied by its parent or guardian, shall be deemed guilty of an offense, and shall be punished by a fine, of not more than Twenty Dollars, upon conviction before any Police or District Magistrate, and his license may be revoked by the Minister of Interior, in his discretion.

SECTION 2. If any keeper or keepers of any of the public places enumerated in Section One of this Act shall find difficulty in clearing their premises of school children, the same may call in the assistance of the police or constables, who shall first order all such school children to return to their homes; and, if such order be not obeyed by the said children, the police or constables shall proceed to apprehend all such children who shall not have proceeded to their homes, and cause them to be detained in the lock-up over night, to be brought before the Police or District Magistrate on the following morning, to be punished according to the provisions of the law relating to truancy.

SECTION 3. This Act shall become a law, from and after the date of its approval.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

## AN ACT

TO REGULATE INDEPENDENT SCHOOLS IN RELATION TO SESSIONS  
AND QUALIFICATIONS OF TEACHERS.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:*

SECTION 1. Independent Schools throughout the Kingdom, and all Schools other than Government Schools, shall hold sessions at least one hundred and eighty days during each year, and each daily session shall be at least three hours long.

SECTION 2. Any person desirous of establishing an Independent School, shall make an application in writing to that effect, to the School Agent of the District in which he may desire to establish his School; which application shall be accompanied by a memorial from the parents and guardians of the children proposed to be gathered into a school, stating that the applicant is the person of their choice for a teacher of their children.

SECTION 3. Upon receiving an application from any person, as provided for in Section 2 above, the District School Agent shall, within five days of the reception thereof, notify the applicant that an examination will be held in regard to his qualifications as an instructor of youth, at a time, not later than three days from the date of such notification, and at such place as he may deem best. He shall also notify the applicant that it is his privilege to nominate any person he may deem fit, to act on a committee in conjunction with two other persons, one of whom shall be appointed by the School Agent and the other be chosen by the two appointees of the School Agent and applicant.

SECTION 4. The Committee, as constituted in Section 3 above, shall immediately after organization, proceed to examine the applicant, in respect to his qualifications as an instructor of the young. If the result of such examination shall be favorable to the applicant, the Committee shall make a written report to that effect to the School Agent, and shall forthwith issue to the applicant, a certificate, setting forth his qualifications; and such certificate shall be signed by all the members of the Com-

mittee and attested by the School Agent, and shall be deemed full authority, permitting the holder thereof to establish a School, under the provisions of this Act.

SECTION 5. Any person who may receive a certificate as provided for in Section 4, of this Act, and who shall nevertheless violate any of the provisions of this Act, shall be liable to a withdrawal of his certificate as teacher, upon complaint entered and proved before any Police or District Magistrate, School Agent or the Inspector General of Schools.

SECTION 6. Nothing in this Act contained, shall be construed to forbid the establishment of Select and Independent Schools, when established by competent persons possessing good certificates from abroad, or by persons who shall have been known to have been successfully employed as teachers, either at home or abroad, provided the same be not of an immoral tendency.

SECTION 7. No assemblage of children for the avowed purpose of Instruction, shall be deemed a school, within the provisions of Law, unless the same shall conform to the provisions of this Act.

SECTION 8. This Act shall become a law, from and after the date of its approval, and all laws and parts of laws in conflict with this Act are hereby repealed.

Approved this 19th day of July, A. D. 1870.

KAMEHAMEHA R.



## AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT AUTHORIZING THE BOARD OF EDUCATION TO ESTABLISH AN INDUSTRIAL AND REFORMATORY SCHOOL, FOR THE CARE AND EDUCATION OF HELPLESS AND NEGLECTED CHILDREN, AS ALSO FOR THE REFORMATION OF JUVENILE OFFENDERS," APPROVED DECEMBER 30TH, A. D. 1864, AND TO AUTHORIZE THE BOARD OF EDUCATION TO CONTINUE THE INDUSTRIAL AND REFORMATORY SCHOOL AT KEONEULA, KAPALAMA, OAHU; AS WELL AS TO INSTITUTE OR ESTABLISH, WHEN NECESSARY, OTHER INDUSTRIAL AND REFORMATORY SCHOOLS.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom Assembled :*

SECTION 1. That the Act, entitled "An Act authorizing the Board of Education to establish an Industrial and Reformatory School, for the care and education of helpless and neglected children, as also for the reformation of juvenile offenders," approved December 30th, 1864, be, and the same is hereby repealed, from Section 1 to Section 10, inclusive.

SECTION 2. The Board of Education is hereby authorized to continue the Industrial and Reformatory School established in March, A. D. 1865, at Keoneula, Kapalama, Oahu, under the Act of December 30th, 1864, authorizing the same; to be, as heretofore, conducted under the direction and supervision of the Board of Education.

SECTION 3. It shall be lawful for the Board of Education to institute and establish Industrial and Reformatory Schools in any part of the Kingdom, when the same shall be deemed necessary, and when funds shall be available by Legislative appropriation, for that object. All such Schools shall be conducted under the direction and supervision of the Board of Education.

SECTION 4. The only object of the said Industrial and Reformatory Schools shall be the detention, management, education, employment, reformation and maintenance of such children as shall be committed thereto, as Orphans, Vagrants, Truants, living an idle or dissolute life, who shall be duly convicted of

any crime or misdemeanor, who shall be surrendered to the Board of Education as guardians thereof, for the term of their minority, or who shall be received at such Schools as herein-after provided.

SECTION 5. The Police or District Justices are hereby authorized to commit all offenders duly convicted before them, under fifteen years of age, to said Industrial and Reformatory Schools, in all cases where they shall deem such sentence to be more suitable than the punishment otherwise authorized by law.

SECTION 6. The said Police or District Justices, on the representation of any member of the Board of Education, its Agents, the Attorney General or his authorized deputy, the Marshal or his deputy, or the Sheriff or Deputy Sheriff of any Island; shall have power to hear and determine any case, and to sentence for any term within their minority to some Industrial and Reformatory School, any child under fifteen years of age, who lives an idle or dissolute life, whose parents are dead, or if living, from drunkenness or other vices or causes, shall neglect to provide suitable employment for, or exercise salutary control over such child.

SECTION 7. The Board of Education, or its Agents, if authorized by the said Board, shall have power to accept from the parents or guardian of any child, the surrender of such child for the term of his or her minority, to be entered at some Industrial and Reformatory School: and all the rights of parents or guardians, to keep, control, educate, employ, indenture or discharge such child, shall vest solely in the Board of Education.

SECTION 8. It shall be lawful for the Board of Education, in its discretion, to receive into such Industrial and Reformatory Schools, the children under fifteen years of age, of parents, guardians or adoptive parents, who shall desire the same; and the said Board is hereby authorized to charge fees, or remit the same in special cases, for the children so admitted, as in the judgment of the said Board shall seem proper.

SECTION 9. The Principals of said Schools, shall receive and detain at said Industrial and Reformatory Schools, all children

who shall be committed thereto, or placed therein, as provided in Sections 5, 6, 7 and 8 of this Act, and they shall be charged with the detention and custody of all children so committed or admitted, and with the execution of all orders, as well as process of Court, respecting such children.

SECTION 10. It shall be lawful for the Board of Education, or its agents if authorized by said Board, to bind out as apprentices, with their consent, all children over ten years of age, as shall be committed or surrendered for their minority, and who shall have been admitted at any Industrial and Reformatory School, to such useful trades, employments, or occupations, as shall be suitable to their years and capacity, and as in the judgment of the said Board, will tend to the future benefit and advantage of such children.

SECTION 11. Whenever it shall be found that apprenticeships can not be obtained, or suitable employment be provided at any Industrial and Reformatory School, for children over fifteen years of age, who shall have been committed or surrendered thereto, for their minority, or sentenced for a shorter time, for any crime or misdemeanor, the Board of Education or its agents, if authorized by the said Board, shall have authority to put them out to labor to families, or other suitable persons, upon such terms and conditions, as in the opinion of the said Board shall be deemed proper.

SECTION 12. The Board of Education shall have power, for good reasons shown to its satisfaction, to discharge or temporarily release, any child committed to or admitted at any Industrial and Reformatory School, who shall not have been bound out as an apprentice or adopted. And the Police or District Justices, shall also have power to discharge from such schools, children committed from their respective districts, who shall not have been bound out as apprentices or adopted, if upon the hearing of any application for the same, said Judges shall consider that such discharge is expedient. But it shall be incumbent on said Police or District Justices, before granting any discharge that shall be applied for, to give thirty days notice of the same, in writing to the Board of Education.

SECTION 13. Any person who shall secretly or illegally abduct, or who shall be accessory to the secret or illegal abduction of any child from any Industrial and Reformatory School, shall be fined not exceeding One Hundred Dollars, or imprisoned at hard labor, not exceeding one year ; and any Police or District Justice shall have jurisdiction of any case arising under this Section, within his district.

SECTION 14. Any person who shall knowingly or intentionally entice away any child from any Industrial and Reformatory School, or who shall knowingly harbor or secrete any child who shall have been enticed away, or who shall have deserted from any such school, or who shall have left or forsaken his guardian or employer without permission, shall be fined not exceeding One Hundred Dollars, in the discretion of the Police or District Justice having jurisdiction of the case, as in the last preceding Section provided.

SECTION 15. All commitments to Industrial and Reformatory Schools, shall be directed to the Board of Education, or its authorized agents in the respective districts, but the Marshal of the Kingdom, or his deputies shall be charged by such commitments, with the execution of all orders for the custody and safe keeping of the children committed to the said Industrial and Reformatory Schools, until delivered over to the Principal of the School to which such children shall have been committed, and shall defray all expenses attending the conveyance of such children to their place of destination, from the funds under his or their control, available for such purposes.

SECTION 16. It shall be incumbent on the Marshal or any of his deputies, to assist, as far as in their power lies, in the apprehension and recovery of deserters from any Industrial and Reformatory School, when requested to do so by the Board of Education, its agents or the Principal of any such School ; and likewise to assist as far as possible in enforcing order and maintaining discipline therein, should circumstances at any time arise necessitating the exercise of such authority.

SECTION 17. The Board of Education shall have full authority to prescribe rules and regulations, not in contrariety to the

laws of the land, for the government, discipline and care of all Industrial and Reformatory Schools, continued, established, or instituted under this Act.

SECTION 18. The Board of Education shall cause to be kept in every Industrial and Reformatory School, a Journal, in which shall be regularly entered, the reception, discharge, release, escape or death of each of the inmates ; together with all the particulars relating to such as shall be apprenticed, adopted or put out to work. An exact account shall also be kept by the Principal of each of the said schools, of all moneys and other avails received for work performed by the children, as well as of the expenditure of such moneys and avails as shall be authorized from time to time by the Board of Education.

SECTION 19. This Act shall take effect and become a law, at the expiration of two months from the date of its approval.

Approved this 21st day of July, A. D. 1870.

KAMEHAMEHA R.

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